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5 Attorneys for Plaintiffs
6 JAREK MOLSKI
and DISABILITY RIGHTS
7 ENFORCEMENT, EDUCATION,
SERVICES: HELPING YOU
8 HELP OTHERS

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
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13 JAREK MOLSKI, an individual; and) CASE NO. C04-4713 RS
14 DISABILITY RIGHTS ENFORCEMENT,)
15 EDUCATION, SERVICES: HELPING)
YOU HELP OTHERS, a California public)
benefit corporation,)
16 Plaintiffs,)
17 v.)
18 LUGANO SWISS BISTRO; ANDRE)
LENGACHER and NARGIS DIN)
19 LENGACHER, dba LUGANO SWISS)
BISTRO, CAPSTONE, MORNING,)
CHASE; and JAMES KNELL, an)
individual,)
21 Defendants.)
22 _____)

23 Plaintiffs JAREK MOLSKI, an individual; and DISABILITY RIGHTS
24 ENFORCEMENT, EDUCATION SERVICES: HELPING YOU HELP OTHERS, a California
25 public benefit corporation, through their undersigned counsel, defendants CAPSTONE,
MORNINGSIDE CHASE, erroneously sued as CAPSTONE MORNING CHASE and JAMES
27 KNELL, an individual, through their undersigned counsel, and defendants Andre Langacher and
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1 Nargis Din Lengasher, dba LUGANO SWISS BISTRO, stipulate to file a second amended
2 complaint for the following reasons:

- 3 1. Plaintiffs amended the complaint on July 19, 2005 to name CAPSTONE,
4 MORNING, CHASE and JAMES KNELL, an individual, whom they believed to
5 be the current owners of the subject property.
- 6 2. Neither CAPSTONE, MORNING CHASE nor JAMES KNELL owned or
7 operated the subject property during the events alleged in the Complaint;
- 8 3. Plaintiffs have since been informed that the property was sold on July 26, 2005
9 and the new and current owner is SIMA BARNYARD L.L.C.
- 10 4. Plaintiffs will dismiss CAPSTONE MORNING CHASE and JAMES KNELL
11 from this action with prejudice, and each party bearings its respective costs and
12 attorneys fees; and
- 13 5. Plaintiffs now seek to amend the complaint a second time to name SIMA
14 BARNYARD L.L.C. as a proper defendant to this action.

15 IT IS HEREBY STIPULATED THAT:

16 For the aforementioned reasons, leave be granted to amend the Complaint a second time
17 to name SIMA BARNYARD L.L.C.

18 IT IS SO STIPULATED.

19 DATED: October 18, 2005

20 THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

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22 By: /s/
23 Jessica A. Dayton
24 Attorneys for Plaintiffs JAREK MOLSKI, and
DISABILITY RIGHTS ENFORCEMENT,
EDUCATION SERVICES: HELPING YOU HELP
OTHERS
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1 DATED: October 17, 2005

LOMBARDO & GILLES
A PROFESSIONAL LAW CORPORATION

6 DATED: November 8, 2005

3 By: _____ /s/
4 James W. Sullivan
5 Attorneys for Defendants CAPSTONE,
6 MORNING, CHASE; and JAMES KNELL, an
7 individual

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11 DATED: November 8, 2005

8 By: _____ /s/
9 Defendant ANDRE LENGACHER

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13 Plaintiffs are hereby granted leave to amend the Complaint a second time to name
14 defendant SIMA BARNYARD L.L.C.

15 IT IS SO ORDERED.
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17 DATED: November 10, 2005

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19 By: _____ /s/ Richard Seeborg
20 Hon. Richard Seeborg
21 UNITED STATES MAGISTRATE JUDGE
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